

DEC 20 2005

For The Northern Mariana Islands
By _____
(Deputy Clerk)

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN MARIANA ISLANDS

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DAI, XIAO JUN,

Defendant.

Case No. CR-05-00022

**NOTICE OF ORDER
GRANTING DEFENDANT'S
MOTION FOR DISCOVERY**

THIS MATTER came before the court on Thursday, December 15, 2005, for hearing of Defendant's motion for discovery and Defendant's motion to suppress evidence obtained from three searches and seizures. Plaintiff appeared by and through its attorney, Assistant U.S. Attorney Jamie D. Bowers; defendant appeared personally and by and through his attorney, Robert T. Torres.

Defendant is charged in a two count indictment for trafficking in counterfeit goods in violation of 18 U.S.C. § 2320, and unlawful possession of a controlled substance with intent to distribute in violation of 21 U.S.C. § 841(a)(1) and 841(b)(1)(B).

THE COURT, having fully considered the written arguments of defendant and the oral arguments of the parties, granted defendant's motion for discovery.¹ Accordingly, the Court ordered the parties to meet and confer and agree on what remaining information the Government is legally obligated to produce at this time regarding the following materials:

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¹ The court took the parties' arguments under advisement and reserved ruling on Defendant's motions to suppress.

- 1 1. All books, papers, reports, test results, documents, photographs, tangible objects, and / or copies or
2 portions thereof that comprise, mention or relate to the use and operation of that certain electronic
3 monitoring or tracking device that the Government claims to have inserted into the package addressed
4 to Chen Jian at PMB 212 and containing approximately 2.75 kilograms of suspected counterfeit Viagra
5 during the course of a "controlled delivery;"
- 6 2. The electronic monitoring or tracking device, including the name, serial number, manufacturer, and
7 model thereof;
- 8 3. Any results or reports of physical examinations and of scientific tests or experiments made in
9 connection with this case and particularly any writings, reports, recordings, documents, or photographs
10 reflecting any laboratory analysis of the suspected Viagra; and
- 11 4. Any results or reports of physical examinations and of scientific tests or experiments made in
12 connection with any other package or parcel addressed to any person entitled to receive mail at PMB
13 212, P.O. Box 10002, Saipan, MP 96950.

14 If the parties are unable to agree as to whether the Government's duties have been satisfied, the
15 court will revisit this motion without requiring Defendant to refile.

16 IT WAS SO ORDERED.

17 DATED this 20th day of December, 2005.

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21 ALEX R. MUNSON
22 Chief Judge
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